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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bybee et al.
Serial No : 10/626,466
Filed : July 24, 2003
Title : Specimen Carrier Transfer Apparatus for a Conveyor Track
Art Unit :

PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

This is a Petition under 37 CFR 1.47(a) to file an application where a joint inventor refuses to sign or cannot be reached. In this case, four of the six joint inventors have not responded to a request to sign a Declaration and assignment for the application. Since the request was received by the non-signing inventors, the absence of a response is presumed by the applicants to be a refusal to sign. The pertinent facts and proof are as follows.

On October 21, 2003 a letter was sent to Tom Bybee, Dave Murphy, Steve Wright and Sheri Kime, four of the joint inventors in the above-identified patent application, requesting that they each sign a declaration for the application, and an assignment of the application. Copies of the letters are attached hereto. All of the inventors were employees of LAB-InterLink, Inc. at the time of the invention, but the four non-signing inventors have since been terminated from their positions, prior to the preparation of the patent application identified above.

The letter to Mr. Bybee was delivered to Mr. Bybee on October 23, 2003, as indicated in the copy of the Return Receipt, attached to the copy of the letter.

The letters to Dave Murphy, Steve Wright and Sheri Kime were all delivered on October 22, 2003, as noted in the attached tracking notices for each of the letters. It is also noted in each letter that a failure to respond to the requests by October 31, 2003 would be presumed to indicate an unwillingness to sign. As of the date of this Petition, none of the four non-signing inventors have agreed to sign the Declaration.

The remaining joint inventors hereby petition the Patent Office to receive and prosecute the above patent application on behalf of the non-signing inventors, in accordance with the provisions of 37 CFR 1.47(a). This Petition is accompanied by the requisite fee of \$130.00 under 37 CFR 1.17(h). The addresses of the non-signing inventors are as follows:

Thomas L. Bybee
10285 Grand Ave.
Omaha, NE 68134

Dave Murphy
Box 83
Goodwood, Ontario
Canada L0C 1A0

Sheri Kime
2000 Bensfort Road
RR#6
Peterborough, Ontario
Canada K9J 6X7

Steve Wright
159 Fife's Bay Road
Peterborough, Ontario
Canada K9J 6X2

It is believed that the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

If any further information is required to expedite this process, please feel free to contact the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George R. Nimmer".

George R. Nimmer
Registration No. 21,004
Attorney of Record

PO Box 252
Omaha, NE 68101-0252
(402) 393-0151



1011 South S

October 21, 2003

Tom Bybee
10285 Grand Avenue
Omaha, NE 68134

Via Certified Mail

Dear Tom:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOM BYBEE
10285 GRAND AVE
OMAHA, NE 68134

2. Article Number

(Transfer from service label)

7002 3150 0006 4289 3321

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15-

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Tom Bybee ☐ Agent ☐ Addressee

B. Received by (Printed Name)

BETTY BYBEE

C. Date of Delivery

10-23-03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

You have been identified as an original inventor for the pending patent(s) listed below; therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Specimen Carrier Transfer Apparatus for a Conveyor Track
- Transfer and Positioning Apparatus for Automated Conveyor System
- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. **Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003.** If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell
Director, Administration
LAB-InterLink, Inc.
1011 S. Saddle Creek Road
Omaha, NE 68106
Phone: 402-595-3767 ext. 2847
Fax: 402-595-1375
Email: mrussell@labinterlink.com

Production Facility:
8950 J Street
Omaha, Nebraska 68127
USA
402-331-2082
Fax: 402-331-2083

LAB-InterLink Canada:
2015 Fisher Drive
Peterborough, Ontario K9J 7A2
800-661-5229
705-876-1220
Fax: 705-876-1499

Lab-Interlink Europe:
1, Halamish Street
Hod Hasharon 45502
Israel
+972 9744 6926
Fax: +972 9744 6818



• 1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951

October 21, 2003

Dave Murphy
Box 83
Goodwood, Ontario
Canada L0C 1A0

Via Certified Mail

Dear Dave:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. **Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003.** If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell
Director, Administration
LAB-InterLink, Inc.
1011 S. Saddle Creek Road
Omaha, NE 68106
Phone: 402-595-3767 ext. 2847
Fax: 402-595-1375
Email: mrussell@labinterlink.com

Production Facility:
8950 J Street
Omaha, Nebraska 68127
USA
402-331-2082
Fax: 402-331-2082

LAB-InterLink Canada:
2015 Fisher Drive
Peterborough, Ontario K9J 7A2
800-661-5229
705-876-1220
Fax: 705-876-1499

Lab-Interlink Europe:
1, Halamish Street
Hod Hasharon 45502
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Status: Delivered [Proof of Delivery](#)
Delivered on: Oct 23, 2003 2:31 P.M.
Location: MC MAN
Delivered to: 313 HWY 47
 UXBRIDGE, CA L4A
Shipped or Billed on: Oct 21, 2003

Tracking Number: 1Z 3E4 73V 66 9270 246 4
Reference Number(s): 3E473VTDJGY
Service Type: EXPRESS

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Date	Time	Location	Activity
Oct 23, 2003	2:31 P.M.	CONCORD, ON, CA	DELIVERY
	7:41 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	7:40 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
Oct 22, 2003	11:59 P.M.	CONCORD, ON, CA	DEPARTURE SCAN
	6:05 P.M.	CONCORD, ON, CA	P.O. BOX, NOT DELIVERED; ADDRESS CORRECTED, DELIVERY RESCHEDULED
Oct 21, 2003	4:31 P.M.	CONCORD, ON, CA	NO SUCH STREET, NOT DELIVERED
	5:13 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:53 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:52 A.M.	US	BILLING INFORMATION RECEIVED

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October 21, 2003

Steve Wright
159 Fife's Bay Road
Peterborough, Ontario
Canada K9J 6X2

Via Certified Mail

Dear Steve:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find an Assignment document for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell
Director, Administration
LAB-InterLink, Inc.
1011 S. Saddle Creek Road
Omaha, NE 68106
Phone: 402-595-3767 ext. 2847
Fax: 402-595-1375
Email: mrussell@labinterlink.com

Production Facility:
8950 J Street
Omaha, Nebraska 68127
USA
402-331-2082
Fax: 402-331-2083

LAB-InterLink Canada:
2015 Fisher Drive
Peterborough, Ontario K9J 7A2
800-661-5229
705-876-1220
Fax: 705-876-1499

Lab-Interlink Europe:
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Hod Hasharon 45502
Israel
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View DetailsTo view **Proof of Delivery**, please select the link.

Status: Delivered [Proof of Delivery](#)
Delivered on: Oct 22, 2003 1:34 P.M.
Location: FRONT DOOR
Delivered to: 159 FIFES BAY ROAD
 PETERBOROUGH, CA K9J
Shipped or Billed on: Oct 21, 2003

Tracking Number: 1Z 3E4 73V 66 9361 924 0
Reference Number(s): 3E473VTKQ33
Service Type: EXPRESS

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Date	Time	Location	Activity
Oct 22, 2003	1:34 P.M.	PETERBOROUGH, ON, CA	DELIVERY
	8:21 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
Oct 21, 2003	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:54 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:39 A.M.	US	BILLING INFORMATION RECEIVED

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October 21, 2003

Sheri Kime
2000 Bensfort Road
RR#6
Peterborough, Ontario
Canada K9J 6X7

Via Certified Mail

Dear Sheri:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. **Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003.** If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell
Director, Administration
LAB-InterLink, Inc.
1011 S. Saddle Creek Road
Omaha, NE 68106
Phone: 402-595-3767 ext. 2847
Fax: 402-595-1375
Email: mrussell@labinterlink.com

Production Facility:
8950 J Street
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402-331-2082
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2015 Fisher Drive
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Delivered on: Oct 22, 2003 12:49 P.M.
Signed by: KIME
Location: RESIDENTIAL
Delivered to: 2000 BENSFORT ROAD
 PETERBOROUGH, CA 951
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Tracking Number: 1Z 3E4 73V 66 9350 805 7
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	8:21 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
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	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
Oct 21, 2003	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:53 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
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